

UNITED STATES DISTRICT COURT
DIVISION OF EASTERN NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

County of Suffolk

Plaintiff,
v.

GEORGE R. SIMPSON, JEAN SIMPSON,
CHARLOTTE SIMPSON, OFFICE
MANAGEMENT SYSTEMS CORP., SUFFOLK
RESEARCH SERVICE, INC.

Defendant

CV-07-1644
Seybert, J.
Orenstein, M.
LONG ISLAND OFFICE

★ JUN 20 2008 ★

MOTION TO JOIN

COME NOW, the Defendants, George R. Simpson and Jean S. Simpson, Pro Se, and file this motion to have the Court enter its order joining to this lawsuit, as additional party Plaintiff, the person Public Officer Penny Wells LaValle, personally, and in her Public capacity.

In support of this motion, Defendants George and Jean Simpson will show the Court that Penny Wells LaValle acted outside her official capacities in a malacious and harmful way to damage Defendants George and Jean Simpson.

Defendants George R. Simpson and Jean S. Simpson, should it be determined that Copyright infringement occurred, were forced to sell out-of-date tax maps as a part of their software, by the extortionist activities of Plaintiff, which ultimately forced Defendant Corporations out of business.

Plaintiff's extortionist demands are explained in Exhibit "A", attached hereto in form of a letter dated March 1, 2005 to Penny Wells LaValle from George R. Simson, President and Chairman of the Board of Office Management Systems Corp.

The letter points out that the demands of Plaintiff are tantamount to a Conspiracy of Plaintiff with Defendant's monopolistic competitor, First America Real Estate Solutions, to force Defendant Corporations out of business.

Penny Wells LaValle used, and continues to use, enormous financial resources to force Defendants George and Jean Simpson and corporate Defendants Suffolk Research Service, Inc. and Office Management Systems Corp. out of business.

As a result of Penny Wells LaValle extortionist demands, Defendants George and Jean Simpson, and Corporate Defendants, Suffolk Research Service, Inc. and Office Management Systems Corp. were unable to copy or obtain copies of current tax maps, and could no longer offer tax maps as a part of their software products and services.

Without having these tax maps to offer to its prospects and customers, Corporate Defendants, Suffolk Research Service, Inc. and Office Management Systems Corp. were no longer able to compete, and their business slowed to only a trickle of their previous size.

Ms Penny Wells LaValle's extortion demands were absurd. She insisted that the two corporate defendants, Suffolk Research Service Inc. and Office Management Systems Corp. in the instant lawsuit pay the equivalent of twice as much in license fees as were paid by the Giant Competitor, First American.

Ms LaValle wanted to charge the corporate Defendants in the instant lawsuit the same price (license fee) as she charged First American, when First American used the data from all 10 towns in Suffolk County, and Suffolk Research Service, Inc./Office Management Systems Corp used only tax maps from the five eastern towns.

The five eastern towns constitute less than 50% (fifty percent) of the tax map data from the entire county.

Furthermore, First American has sales which are estimated to be over 100 times the sales of corporate Defendants Suffolk Research Service, Inc. and Office Management Systems Corp.

Ms LaValle's, strong hand "do it my way, *or else*, I'm the boss" attitude constitutes gross abuse of her authority, and caused Defendants in the instant lawsuit to encounter enormous damages.

Public Officer, Penny Wells LaValle, subjected Defendants George R. Simpson and Jean S. Simpson to deliberate and malicious extortive demands, which were so enormous they all but caused Defendants' companies (Suffolk Research Service, Inc. and Office Management Systems Corp.) to go out of business.

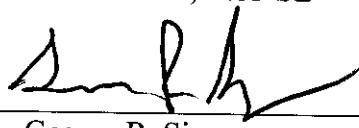
Furthermore, Plaintiff filed two malicious lawsuits naming Defendants' children as defendants, as harassment tactics, even though Plaintiff and Public Officer, Penny Wells LaValle, knew that Defendants' children were not liable for any of Plaintiff's claims under the law.

Such malicious use of her power as a Public Officer is outside of the responsibilities and authority of Penny Wells LaValle, and she personally greatly damaged Defendants.

WHEREFORE, Defendants George R. Simpson and Jean S. Simpson respectfully request that the Court enter its order joining said person as party Plaintiff in this proceeding.

GEORGE R. SIMPSON, PRO SE

JEAN S. SIMPSON, PRO SE

By: 
George R. Simpson

By: 
Jean S. Simpson

DATED: June 19, 2008

PO Box 775
Hampton Bays, NY 11946
Phone: 631-357-9502

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading was served by mailing the same, postage prepaid, by hand delivery or by facsimile on the 19th day of June, 2008.

To: Christine Malafi
Suffolk County Attorney
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Attn: Leonard G. Kapsalis, Esq.
Suffolk County Department of Law

Richard Todd Hunter, Esquire
PO Box 337
Sagaponack, NY 11962

Via: Mail [XX] Fax [] Hand []



Address of the Court Clerk:
Mr. Robert C. Heinemann, Clerk of the Court
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Exhibit "A"



Office Management Systems Corp.
P.O. Box 775 Hampton Bays, NY 11946
516-204-3227

March 1, 2005

Penny Wells LaValle
Director
Suffolk County Government
Real Property Division
300 Center Drive
Riverhead New York 11901-3398

Dear Ms LaValle

This letter will confirm the conversation I had with you over the phone and the various discussions you had with Stephanie Fagan over the phone and at your office.

Stephanie and I have been talking with you in hopes that we could work out an arrangement to license the use of the tax maps your department maintains for Suffolk County.

We understand that the largest of our competitors, First American Real Estate Solutions, has negotiated a license for the use of these maps. I understand that as is the position of our companies, First American does not believe that Suffolk County has a right to license these maps, because they should be available at the cost of reproduction in accordance with the NY State Freedom of Information Law.

Nevertheless, in order to avoid expensive and time-consuming litigation, like First American, our companies would be willing to sign a license agreement and pay a royalty. The royalty must, however, be commensurate with the relative sales and use of the maps by our two companies - as compared with the Suffolk County Maps use and sales of First American.

When Stephanie Fagan met with you, she gave you a copy of the attached documents ("OMS and SRS Appraise@ Licenses" and "Exhibit 1"). These documents made certain disclosures about the sales of Suffolk Research Service, Inc., Office Management Systems Corp., and First American Real Estate Solutions.

The summary of the position of Suffolk Research Service, Inc (SRS) and Office Management Systems Corp (OMS) is summed up in the following paragraph taken from the document given to you by Stephanie:

Penny LaValle, March 1, 2005

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"Based upon the fact that OMS/SRS only uses about 20% of the maps and the size of OMS/SRS is only 1% of the size of First American Real Estate Solutions, \$60,000 in license fees from First American Real Estate Solutions would be \$120/year for OMS/SRS licensee fees"

In our meetings and discussions, you were unable or unwilling to provide us any price for licenses other than

"\$60,000 the first year, \$40,000 the second year."

You tell us that this is the same price paid by First American Real Estate Solutions.

We know you offered this same gigantic fee to our competitor, Geo Data Plus, and we have a copy of the proposal you sent them.

Such prices are simply out of the question. Our companies do not have income to support those fees. If we paid that high a fee, it would put our companies out of business.

We believe that this type of pricing is tantamount to a conspiracy by you and Suffolk County with our "gigantic" competitor, First American Real Estate Solutions, to force us out of business.

We have to have the use of the Tax Maps to compete in a monopolistic market dominated by First American Real Estate Solutions, but license fees equal to what they pay will literally put us out of business.

Should you persist in your efforts to force these fees upon us, we will have no choice but to hold you personally liable under the New York Statute, which requires you to work within your scope of authority, under the penalty of personal liability for our damages due to you not doing so.

Finally, you are singling us out, when other of our competitors are using "your" tax maps without a license.

Please reconsider your policy and negotiate a fair license fee with us.

Very truly yours,


George R. Simpson
CEO, Chairman of the Board and President

OMS and SRS Appraise@ Licenses:

The Appraise@ and the Xfer Data Browser setup programs install a folder in the Customer's computer named "SRSmaps". That folder has slightly less than 1200 TIF image files, one for each "taxmap page" in the five eastern towns of Suffolk County (East Hampton, Southampton, Riverhead, Southold, and Shelter Island);

According to the Suffolk County there are 4600 taxmap pages in all of Suffolk County. Therefore, the eastern five towns represent 26.1% of the total (1200/4600). On a parcel basis, the 1200 taxmaps represent 112,275 parcels of a total of 500,000 parcels (22.4%) in Suffolk County.

The attached Exhibit 1 shows the total Office Management Systems Corp. and Suffolk Research Service, Inc. license revenue for the years 2002, 2003, and 2004.

The main use of Appraise@ software is to provide a database of real estate listings and pictures, print them out in various forms. Taxmaps is one of 20 other major functions also provided by Appraise@.

The purpose of the Xfer Data Browser is to accomplish searches in the SRS database of Xfer records. The taxmaps are provided as an "extra".

Note that total Appraise@ license sales in 2004 were \$103,451. SRS sales for the Xfer Data browser (uses Taxmaps) were \$1,375.

First American Real Estate Solutions resells all 4,600 of the Suffolk County Taxmaps, not just the maps of the five eastern towns.

It is estimated that First American Real Estate Solutions has license (database and software) sales of Suffolk County Maps and Data which are 120 times that of OMS and SRS combined. This data company dwarfs all other companies in the field.

Based upon the fact that OMS/SRS only uses about 20% of the maps and the size of OMS/SRS is only 1% of the size of First American Real Estate Solutions, \$60,000 in license fees from First American Real Estate Solutions would be \$120/year for OMS/SRS licensee fees.

Note:

Confidential information supplied by Office Management Systems Corp. and Suffolk Research Service, Inc. for the use only by the Real Property Tax Service Agency, County of Suffolk, New York in the pricing of a taxmap license.

Office Management Systems Corp.
Suffolk Research Service, Inc.
PO Box 775
Hampton Bays, NY 11946
516-264-3207

EXHIBIT 1**OMS Software Unit Sales and Revenue of all products which use Suffolk County TAXMAPS**

License Type	2004 Units Dollars	2003 Units Dollars	2002 Units
Dollars			
New Office Licenses	11 \$15,300	3 \$4,500	28 \$27,165
New WkStation Lic's	70 24,480	43 12,710	300 59,387
Renewal Off Lic's	30 24,650	28 19,800	18 11,937
Renewal WkSt Lic's	219 39,011	196 29,477	162 17,762
Total	330 \$103,451	270 \$66,487	568 \$116,251

Note: OMS license prices are based upon the following pricing: \$1,800 for 1st year for each real estate office having Appraise® software installed. \$900 for each year after the 1st year. \$360 for each workstation per office for the 1st year and \$180 per workstation thereafter. (Three or four customers pay half those rates because they do not use the 'listing' functions of Appraise®.) Some of the WkStation licenses are with the Real Estate agents (home units) who work for Real Estate agencies.

The main use of Appraise® software is to provide a database of real estate listings and pictures, print them out in various forms. Taxmaps is one of 20 other major functions also provided by Appraise®.

SRS use of Taxmaps:

All of the OMS Appraise® customers also use the XFor Data Browser which is occasionally sold separately to SRS customers with taxmap data for a one time fee of \$125. (4X\$125 in 2003 and 11X\$125 in 2004.)

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Office Management Systems Corp
Suffolk Research Service, Inc.
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